

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

DEVON TYRONE EVANS,)
)
)
Plaintiff,) Case No. 2:22-cv-00606-LA
v.)
)
ERIC HANSEN,)
Defendant.)

PLAINTIFF'S PRETRIAL REPORT

Pursuant to Civ. L.R. 16(c), Plaintiff Devon Tyrone Evans hereby submits the following Pretrial Report¹:

(A) Short summary of the facts, claims, and defenses

On November 6, 2018, Defendant Menomonee Falls Police Officer Eric Hansen fired nine gunshots at the back of Plaintiff Devon Tyrone Evans, striking him three times, after pursuing Plaintiff on a foot chase through a residential neighborhood in Menomonee Falls. Plaintiff brings this action against Defendant under 42 U.S.C. §1983, contending Defendant violated his constitutional rights under the Fourth Amendment by using objectively unreasonable force against him. Specifically, Plaintiff contends that he was unarmed at the time of the shooting and his actions did not place Defendant, nor others in the immediate vicinity, in imminent danger of death or serious bodily harm. Defendant contents that his use of deadly force was reasonable because he thought that Plaintiff was armed and presented an imminent danger of death or serious bodily harm to other officers.

¹ Plaintiff objects to certain materials in Defendant's Pretrial Report, including its attachments, and reserves the right to raise said objections at the pretrial conference currently scheduled for January 10, 2023 at 9:30a.m.

(B) Statement of the issues

1. Whether Defendant used unreasonable force against Plaintiff. Specifically, whether a reasonable officer, under the same circumstances, would have believed that Plaintiff's actions placed him or others in the immediate vicinity in imminent danger of death or serious bodily harm.
2. What damages will reasonably compensate Plaintiff for the injuries he suffered as a result of Defendant's actions.

(C) Names and addresses of all witnesses expected to testify

See attached witness list.

(D) Statement of the background of all expert witnesses listed

Dr. Gregory J. Schmeling is a board-certified orthopedic trauma surgeon from Froedtert & the Medical College of Wisconsin, located in Milwaukee, Wisconsin.

(E) List of exhibits to be offered at trial sequentially numbered according to General L.R. 26 where practicable

See attached exhibit list.

(F) Designation of all depositions or portions of transcripts or other recordings of depositions to be read into the record or played at trial as substantive evidence

Plaintiff intends to play the videotaped deposition of Dr. Gregory J. Schmeling.

(G) Estimate of the time needed to try the case

Five days.

(H)(i) Proposed voir dire questions

See attached proposed voir dire questions.

(ii) Proposed jury instructions on substantive issues

See attached proposed jury instructions.

(iii) Proposed verdict form

See attached proposed verdict form.

Dated: December 27, 2022.

Respectfully submitted,

By: /s/ Jason Marx
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Certificate of Service

I, the undersigned attorney, certify that I caused the foregoing document to be filed on this Court's ECF system on December 27, 2022, thereby giving electronic notice to all counsel of record.

/s/ Jason Marx